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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,409

05/15/2006

Jozef Pieter Van Gassel

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SUAREZ, FELIX E

ART UNIT

PAPER NUMBER

2857

MAIL DATE

DELIVERY MODE

06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,409	Applicant(s) VAN GASSEL, JOZEF PIETER	
	Examiner Felix E. Suarez	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Abstract

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

2. The drawings are objected to because:

In FIG. 1, 3, 4, blocks are not labeled.

Correction is required.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated over Du et al. (U.S. Patent Application Publication No. 20030088326).

With respect to claims 1, and 11, Du et al. (hereafter Du) teaches; a battery powered device (or method) for playback of a media title from a memory unit (see page 3 paragraph [0031] portable computer as an audio player; is a battery powered device to playback music, stored in a Hard Disk Drive HDD and see page 5 paragraph [0059] power load on the portable computer battery);

the device comprising means for determining available energy (see page 3 paragraph [0036] The mini-OS Operating System power saving software manages the usage of the CPU and the MP3 storage devices) and calculation means for calculating energy required for playback of the media title to the end in relation to the available energy (see page 3 paragraph [0038] lines 1-16, For example a 500 MHz Pentium III CPU has about 225 MIPS of processing power; and the decode algorithm requiring about 15MIPS, the CPU will be operating less than 10% of the power operating time),

the memory unit comprising a storage medium and reading means for reading at least a part of the media title from the storage medium (see page 3 paragraph [0032] lines 6-12 , RAM memory with approximately 120 Mbytes for use or 2 hours of compressed music),

the reading means being arranged for retrieving playback control information concerning the media title (see page 3 paragraph [0032], lines 14-19, when flash media is used for MP3 storage; and see page 3 paragraph [0036], a small LCD display provide a visual status indicators under control of the mini-OS display management subroutines, all of the contents can be copied to the system RAM, thus minimizing the access of the flash media reader and allowing for a more responsive control over the MP3 files) and the calculation means being arranged for calculating said required energy depending on the playback control information (see page 3 paragraph [0038], lines 9-16 power operating time) and

an energy consumption model of the device (see page 3 paragraph [0038], lines 1-3, Pentium III CPU having about 225 of processing power).

With respect to claim 2, Du further teaches that, warning means for providing a warning signal when not enough battery energy is available for playback of a media title to the end (see page 5 paragraph [0063], lines 1-14, The typical operating system supports six system power states, referred to as S0 (fully on and operational) through S5 (power off). Each state is characterized by power consumption; in other words, how much power is able before to reach the power off).

With respect to claim 5 and 9, Du further teaches that, the reading means is arranged for retrieving the file size (or playing time) of the media title (see page 3 paragraph [0033], lines 13-20, the decoded signal is converted from digital to analog. Then the output signal from code (8) is amplified (10) (also see FIG. (44) to drive the speakers and or headset (see FIG. 3 (46)). and the calculation means is arranged for calculating the required energy depending on the file size (or playing time) of the media title (see page 3 paragraph [0038], lines 10-16, calculation of power operating time for 30 songs).

With respect to claim 10, Du further teaches that, the playback control information comprises characteristic point information and the calculation means

is arranged for calculating the required energy depending on the characteristic point information (see page 5 paragraph [0063], The typical operation system supports six system power states; each state is characterized by power consumption i.e., how much power the computer uses and software resumption, i.e., from what point the operating system restarts).

With respect to claim 12, Du teaches a computer program product, which program is operative to cause a processor to perform the method as claimed in claim 11 (see page 2 paragraph [0026] a computer system includes a mini-OS (operation System) software and hardware).

Allowable Subject Matter

5. Claims 3, 4 and 6-8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3 and 4, would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

comprising interaction means for offering a user options for choosing an action to perform in relation to the required energy and available energy, such as

playing back in a lower resolution or playing back a shorter version of the media title.

Claims 6-8 would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

comprising a buffer for holding the part of the media title, and a playback unit for consuming the part of the media title from the buffer, wherein the calculation means is arranged for calculating the required energy depending on the number of times the reading means have to fill the buffer for playback of the media title to the end.

Conclusion

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nonaka [U.S. Patent No. 6,507,195] describes a battery-driven apparatus, for checking batteries.

Murphy [U.S. Patent No. 6,236,326] describes a battery pack capable of powering an electronic unit.

Higuchi et al. [U.S. Patent No. 6,522,361] describes information specifying a state of a battery pack.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose

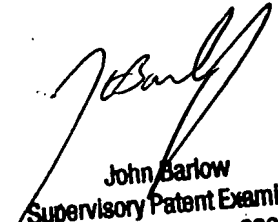
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telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications.

May 29, 2007

F.S.



John Barlow
Supervisory Patent Examiner
Technology Center 2800